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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/425,617	10/22/1999	HIROSHI OMURA	Q56369	9804

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EXAMINER	
YE, LIN	
ART UNIT	PAPER NUMBER
2615	

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/425,617	OMURA, HIROSHI	
	Examiner	Art Unit	
	Lin Ye	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 August 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4 and 7-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4 and 7-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 October 1999* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 8/23/04 have been fully considered but they are not persuasive as to claims 1-4 and 7-11.

For claim 1, the applicant argues that references of Silverbrook, Cullen and Oka do not disclose that the position of the human subject is automatically designated by the selected type of identification photograph and stored in an internal memory, because in Oka, the position of the human subject is controlled by the orientation of the camera and the seated position of the human subject within the photo booth. The examiner disagrees. It should be noted that the "orientation of camera and the seated position of human subject" is **before** shooting the image for making sure the human subject is in the proper camera field view. Please see Figure 36, after shooting the image, the CPU (421, see Figure 35 and Col. 14, lines 61-64) automatically editing the image data (See Col. 13, lines 58-61), such as the size and position of the human subject (e.g., in Figure 34, the size and position of the human subject of passport are different from the size and position of the human subject of the Visa, i.e., the passport cutline marking 424 starts in difference position compared with Visa cutline marking 424) and a picture frame size (a passport size 45mmx35mm and a visa 50mmx50mm) designated by the selected type of identification photograph, and the size an position of the human subject and the picture frame size (e.g., the patterns 420 for passport, visa or any type of identification photograph, see Col. 16, lines 1-3) are stored in an internal memory (e.g., microcomputer 415 has a internal memory inherently and can stores the patterns 420 for passport, visa or any type of identification photograph in order the CPU 421

automatically processing the image data corresponding to the selected type of identification photograph).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-3, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silverbrook U.S. Patent 6,476,863 in view of Cullen et al. U.S. Patent 5,781,665 and Oka et al. U.S. Patent 5,867,738.

Referring to claim 1, the Silverbrook reference discloses in Figures 1-2, a portable, handheld printer (e.g. a handheld digital camera with printer) comprising: means for printing an image on a recording medium; means driving the printing means based on digital image data (See Col. 8, lines 32-41); image processing means (ARTCAM Central processor 31 in Figure 2) for extracting image data pieces by using "Artcards" (9) resulting in a desired special effect of output image (8) in a designated size at a designated position (Figure 1, Artcard 9 defines the size, position and number of images to print out, See Col 9, lines 1-65). The Artcard 9 is a program storage medium includes facilities for handling many image processing functions including face (human subject) detection and object detection, and a imaging warping, distorting simulation effect, etc (See Col. 12, lines 5-25), to print the image object onto the recording medium in the designated size at the designated position; and

means for portably housing said printing means, said driving means and said image processing means; and a mode selection device (utilize button 19) for selecting a normal mode (without using Artcards) for driving the printing means on the basis of the image data of the image frame to print a picture frame corresponding to the image frame, or a second mode (using Artcards) or driving the printing means on the basis of the image data processed by the image processing means to print a picture frame containing the human subject (e.g. Passport photography, see Col. 10, lines 35-36 and Col. 8, lines 55-56). However, the Silverbrook reference does not explicitly give an example for extracting image data pieces representative of the human subject and print the human subject onto the recording medium without including any background subject for Photo ID printing purpose.

The Cullen et al. reference discloses in Figure 1, an apparatus including a image processing means for extracting digital image data pieces representative of a human subject (face F) from image data of an image frame (5), and processing the image data pieces of the human subject such that the human subject is printed on the recording medium, the image processing device replacing image data pieces other than those of the human subject (face F) with blanking data to delete any other subject (background B) contained in the image frame, wherein the driving means drives the printing means accordance with the image data processed by the image processing means, to print the human subject (image CI) onto the recording medium with a blanked background (See Col. 2, lines 59-65). The Cullen reference is evidence the one of ordinary skill in the art at the time to see more advantage for the potable printer system printing the human subject onto the recoding medium with a blank background so in order to producing photo ID as a drivers license and passport. For that

reason, it would have been obvious to see the portable, handheld printer can extracting image data pieces representative of the human subject and print the human subject onto the recording medium without including any background subject disclosed by Siverbrook.

The Silverbrook and Cullen references do not explicitly show a selection device for selecting a type of the identification photograph to make from among predetermined options, wherein the size and position of the human subject and a picture frame size are automatically designated by the selected type of identification photograph.

The Oka reference discloses in Figures 33-36, a digital printer system including a CCD camera (413, see Col. 14, lines 13-15); a selection device (as shown in Figure 36) for specifying a desired size or type of identification photographer (such as passport or visa); wherein the size and position of the human subject (e.g., in Figure 34, the size and position of the human subject of passport are different from the size and position of the human subject of the Visa, i.e., the passport cutline marking 424 start in difference position compared with Visa cutline marking 424) and a picture frame size are automatically designated by the selected type of identification photograph (see Figure 34, a passport size 45mmx35mm and a visa 50mmx50mm); and the size and position of the human subject and the picture frame size are stored internal memory and processed in CPU (421) of the microcomputer (415 can stores the patterns 420 for passport, visa or any type of identification photograph inherently in order the CPU 421 automatically processing the image data corresponding to the selected type of identification photograph) (See Col. 14, lines 22-24, 31-35, 61-66 and Col. 15, lines 1-15). The Oka reference is evidence the one of ordinary skill in the art at the time to see more advantage for the printer system have more flexible option to let user to select any type

of identification photograph and the size and position of the human subject and a picture frame size are automatically designated by the desired type of identification photograph (See Col. 16, lines 1-3). For that reason, it would have been obvious to see the portable, handheld printer system a selection device for selecting a type of the identification photograph to make from among predetermined options, wherein the size and position of the human subject and a picture frame size are automatically designated by the selected type of identification photograph disclosed by Silverbrook.

Referring to claims 2-3, the Silverbrook, Cullen and Oka references disclose all subject matter as discussed with respected to same comment as with claim 1, and the Silverbrook reference discloses wherein the image processing means (ARTCAM Central processor 31) processes the image data of the image frame such that the image subject (e.g. can be considered as human subject discussed in claim 1) with the blanked background with a cutting line surrounding the image subject, the cutting line showing a boundary of a picture frame of a designated frame size is printed on the recording medium in a designated frame size as shown in Figure 1.

Referring to claim 11, the Silverbrook, Cullen and Oka references disclose all subject matter as discussed with respected to same comment as with claim 1, and the Silverbrook reference discloses a printer comprising an electronic imaging device (Area image sensor 2, see Col 10, lines 7-11) for obtaining digital image data from a subject, and a memory (33) for storing the image data by each frame (See Col. 9, lines 17-18).

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Silverbrook U.S Patent 6,476,863 in view of Cullen et al. U.S. Patent 5,781,665, Oka et al. U.S. Patent 5,867,738 and Mcintyre U.S. Patent 6,191,815.

Referring to claim 4, the Silverbrook, Cullen and Oka references disclose all subject matter as discussed in respected in claims 1-3, but except the references do not explicitly show the image processing device can determines how many picture frames can be printed on the same recording medium depending upon the designated frame size and a recording area of the recording medium.

The McIntyre reference discloses in Figures 1 and 5, the digital camera has a image processing device (control unit 32) can control printer device (8) to print multiple different images (42) on the same recording medium as shown in Figure 5 (See Col. 6, lines 43-48). The McIntyre reference is evidence that one of ordinary skill in the art at time to see more advantages for printed multiple different images on the same recording medium so that the recording area of recording medium can be maximum utilized when the each of image frame size is much small than the area of recording medium. For that reason, it would have been obvious to see the digital camera system has image processing device determines how many picture frames can be printed on the same recording medium depending upon the designated frame size and a recording area of the recording medium disclosed by Silverbrook.

5. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silverbrook U.S Patent 6,476,863 in view of Cullen et al. U.S. Patent 5,781,665, Oka et al. U.S. Patent 5,867,738 and Douglas U.S. Patent 5,946,031.

Referring claim 7, the Silverbrook, Cullen and Oka references disclose all subject matter as discussed in respected in claim 1, but the references do not explicitly states the recording medium is an instant film, and the printing device optically prints the image on the instant film.

The Douglas reference discloses in Figures 1, 3 and 5, a photographic apparatus 910) which provides electronic camera operation with a printing capability. The recording medium is an instant film (photosensitive medium 52) (See Col. 5, line4s 10-27). The printing device optically prints the image on the instant film (See Col.7, lines 6-15). The Douglas reference is evidence that one of ordinary skill in the art at the time to see more advantages for using a camera display optically and directly write onto the instant film, because this allow a user to print an image onto photosensitive media without the need for first downloading the image to a computer or other processing unit. For that reason, it would have been obvious to see the printing device optically prints the image on the instant film disclosed by Silverbrook.

Referring to claim 8, the Douglass reference discloses wherein the printing device comprises an LCD panel (82), three color light emission diodes (LED array 104 can be red, green, or blue colors) (See Col. 6, lines 53-65) illuminating the LCD panel from its rear side as shown in Figure 6A, and a printing optical system for projecting an image displayed on the LCD panel toward the recording medium (See Col. 7, lines 6-15).

Referring to claim 9, the Douglass reference discloses a monitoring device (display 44) for allowing selecting and observing an image to print, wherein the image to print is

displayed on the LCD panel and is observed through the monitoring device (See Col. 4, lines 43-48 and lines 57-62).

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Silverbrook U.S Patent 6,476,863 in view of Cullen et al. Patent 5,781,665, Oka et al. U.S. Patent 5,867,738 and Suzuki U.S. Patent 5,847,836.

Referring claim 10, the Silverbrook and Cullen references discloses all subject matter as discussed in respected in claim 1, but the references do not explicitly states the printer may be loaded with a battery as a power source.

The Suzuki reference discloses in Figure 3, a printing-built-in image-sensing apparatus has a battery (25) directly connect with printer engine (52) via the switch (25a). The Suzuki reference is evidence that one of ordinary skill in the art at the time to see more advantages for having a battery independently and directly connected with printer so that the printer can be more portable and compact. For this reason, it would have been obvious to see the printer loaded with a battery as a power source disclosed by Silverbrook.

Conclusion

7. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until

after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Ye whose telephone number is (703) 305-3250. The examiner can normally be reached on Mon-Fri 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew B Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lin Ye
December 9, 2004

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